

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RODNEY SCOTT KNUTSON,

Plaintiff,

-vs-

DR. COOPER, LT. CATHY DANIEL, and
BENTON COUNTY CORRECTIONS
CENTER MEDICAL DEPARTMENT,

Defendants.

NO. CV-11-5060-WFN

ORDER DENYING *IN FORMA*
PAUPERIS STATUS AND
DISMISSING COMPLAINT

By Order filed July 25, 2011, the Court directed Mr. Knutson to notify the Court within twenty-one (21) days of the nature of his current confinement, and whether he wishes to proceed with this action. A copy of the Order was sent to Mr. Knutson at the Eastern State Hospital, but was returned on August 22, 2011 with the notation "Attempted Not Known." The Court has made reasonable attempts to locate Plaintiff, despite his failure to keep the Court apprized of his current address since May 27, 2011.

Mr. Knutson has filed nothing further in this action, and due to the uncertain nature of his confinement or his possible release, it is unclear if he would be considered a "prisoner" for purposes of the Prison Litigation Reform Act [PLRA] filing fee requirements; and whether the statutory provisions of 28 U.S.C. § 1915(b) for collection of the filing fee could be implemented. *See Page v. Torrey*, 201 F.3d 1136 (9th Cir. 2000) (a detainee who was civilly committed to a state hospital was not a "prisoner" within the meaning of the PLRA, and was therefore not subject to the PLRA's financial reporting and exhaustion requirements.) Accordingly,

ORDER DENYING *IN FORMA PAUPERIS* STATUS
AND DISMISSING COMPLAINT- 1

1 **IT IS ORDERED** that

2 1. Plaintiff's present application to proceed *in forma pauperis* is **DENIED**.

3 2. This action is **DISMISSED without prejudice** for failure to prosecute.

4 The District Court Executive is directed to file this Order, enter judgment, forward a
5 copy to Plaintiff at his last known address and **CLOSE THIS FILE**.

6 **DATED** this 1st day of September, 2011.

7
8
9 08-26-11

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE